

REMARKS

The Office rejects claims 1, 2, 8, 9, 13, 18-20, 23, 24, 30, 31, 35, and 40-42 in the subject application. Applicant amends claims 1, 2, and 23. Claims 1-44 (2 independent claims; 44 total claims) remain pending in the application.

Support for the various amendments may be found in the originally filed specification, claims, and figures. No new matter has been introduced by these amendments. For example, support for the amendments to claims 1, 2, and 23 can be found in the paragraph starting on column 3, line 7 of the subject application (or United States Patent No. 6,275,006).

Surrender of Issued Patent United States Patent No. 6,275,006

The Office alleges that the original ribbon copy of United States Patent No. 6,275,006 has not been surrendered. However, in accordance with 37 C.F.R. §1.178 and MPEP 1416, Applicant already submitted the original ribbon copy of United States Patent No. 6,275,006 (issued August 14, 2001) for surrender at the time of filing of this Reissue Application (on December 31, 2003). This surrender of United States Patent No. 6,275,006 was stated on page 11 (last paragraph) of the "Reissue Application Amendment Pursuant to 37 C.F.R. §1.173(b)" filed on December 31, 2004 with the filing of this application.

Based on a phone conference between Primary Examiner Paul Huber and Applicant's Attorney Shahpar Shahpar on July 11, 2005, Applicant is also attaching a copy of the stamped blue postcard returned to Applicant from the U.S. Patent and Trademark Office and the Express Mail label evidencing this surrender of the original ribbon copy.

Objected to Allowable Claims

The Office objects to claims 3-7, 10-12, 14-17, 21, 22, 25-29, 32-34, 36-39, 43, and 44 as being allowable if rewritten in independent form with all of the limitations of the base claim and any intervening claims.

European Search Report in Information Disclosure Statement

The Office refused to consider the European Search Report (ESR) dated January 13, 2003, because a copy of the ESR was not provided. The reference to the

ESR in the Information Disclosure Statement (IDS) filed on December 31, 2003 was in error, so that no ESR should have been listed in this IDS.

Specification and Citation to Parent Application/Patent

The Office objects to the specification as failing to include the citation to the parent patent application (and issued patent). Applicant has amended the specification of the subject application to include the citation to the parent application and issued patent.

Reconsideration of this application is respectfully requested.

35 U.S.C. §102 REJECTIONS

The Office rejects claims 1, 2, 8, 9, 13, 20, 23, 24, 30, 31, 35, and 42 under 35 U.S.C. §102(b) as allegedly being anticipated by Kamikawa (JP-05012683, published January 22, 1993, assignee is Applicant). Applicant respectfully traverses the rejection.

Kamikawa discloses a focusing device having an S letter detector 11 for detecting an S letter area of a focusing error signal, a detection period measuring device 12 for detecting a period in which the S letter exists, a signal generator 13 for outputting a voltage and a switching signal, and a switching device 14 for performing switching between a servo mode and a search mode.¹

The Office alleges that detector 11, device 12, generator 13, and device 14 disclose a focus pull-in section, and that control signal generator 51 discloses a focus servo control section.

But Kamikawa fails to teach, advise, or suggest "the focus pull-in section turns ON the focus servo control section when detected that the interval between adjoining two of the focus servo signals exceeds a predetermined period of time" as recited in claim 1 (and claims 2, 8, 9, 13, and 20, which variously depend from claim 1) or "a focus pull-in section for turning ON the focus servo control section when detected that the interval between adjoining two of the focus servo signals exceeds a predetermined period of time" as recited in claim 23 (and claims 24, 30, 31, 35, and 42, which variously depend from claim 23).

¹ Kamikawa, page 1 (Structure).

Kamikawa measures the relative speed of a lens and a disc surface when an S letter is detected. Kamikawa drives the lens until the relative speed becomes lower than or equal to a threshold value (at which focusing is possible). At or below this threshold value, the servo loop is closed (so that focusing can be stably conducted).² Accordingly, instead of turning ON generator 51 (the alleged focus servo control section) "when detected that the interval between adjoining two of the focus servo signals exceeds a predetermined period of time", Kamikawa measures the speed of the lens in order to close the servo loop. In other words, instead of turning ON the alleged focus servo control section when an interval between adjoining focus servo signals exceeds a predetermined period of time, Kamikawa measures the speed of the lens to close the servo loop.

Even further, although Kamikawa counts the number of clocks during a period in which detector 11 makes three outputs, Kamikawa only makes this count in relation to a the three outputs.³ As such, Kamikawa fails to teach, advise, or suggest turning ON generator 51 "when detected that the interval between adjoining two of the focus servo signals exceeds a predetermined period of time".

Thus, Kamikawa fails to teach, advise, or suggest one more claimed elements, so that claims 1, 2, 8, 9, 13, 20, 23, 24, 30, 31, 35, and 42 are patentable over Kamikawa.

35 U.S.C. §103 REJECTIONS

The Office rejects claims 18, 19, 40, and 41 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kamikawa as applied to claims 2 or 24 in view of Takeuchi (U.S. Patent No. 4,890,273, issued December 26, 1989, assignee is Olympus Optical Co., Ltd.). Applicant respectfully traverses the rejection.

Based on the above discussion of Kamikawa and claims 1 and 23, claims 18 and 19 (which depend from claim 1) and claims 40 and 41 (which depend from claim 23) are patentable over Kamikawa in view of Takeuchi for the same reasons.

In addition, Takeuchi discloses an optical information recording or reproducing system. In Takeuchi, focus control and tracking control are via a servo feedback loop,

² Kamikawa, page 5, paragraph [0010], page 6, paragraph [0013].

which responds to detected focus and tracking error signals. The focusing and tracking operations are controlled by adjusting the gain of the servo feedback system based on the detected track format.⁴ Just as in Kamikawa, Takeuchi fails to teach, advise, or suggest turning ON a focus servo control section "when detected that the interval between adjoining two of the focus servo signals exceeds a predetermined period of time".

Accordingly, Takeuchi fails to make up for the shortcomings of Kamikawa above, so that Kamikawa in view of Takeuchi fails to teach, advise, or suggest one more claimed elements, so that claims 18, 19, 40, and 41 are patentable over Kamikawa in view of Takeuchi.

CONCLUSION

Favorable consideration of this Reissue Application is earnestly solicited. Should the Examiner wish to discuss any of the foregoing in greater detail or deem that a telephone conference would advance prosecution of this application, the Office is invited to contact the undersigned at the Examiner's convenience at the number listed below.

Respectfully submitted,

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By: 
Shahpar Shahpar
Reg. No. 45,875

SNELL & WILMER, L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
Phone: (602) 382-6306
Fax: (602) 382-6070
Email: sshahpar@swlaw.com

³ Kamikawa, page 6, paragraph [0013].

⁴ Takeuchi, Abstract.